MANAGING DIVERSITY

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MCIPAC/MCB Camp S.D. Butler,

Equal Employment Opportunity

MANAGING DIVERSITY

- **Topics of Discussion:**

Diversity

Why is it Important

in todays work place?

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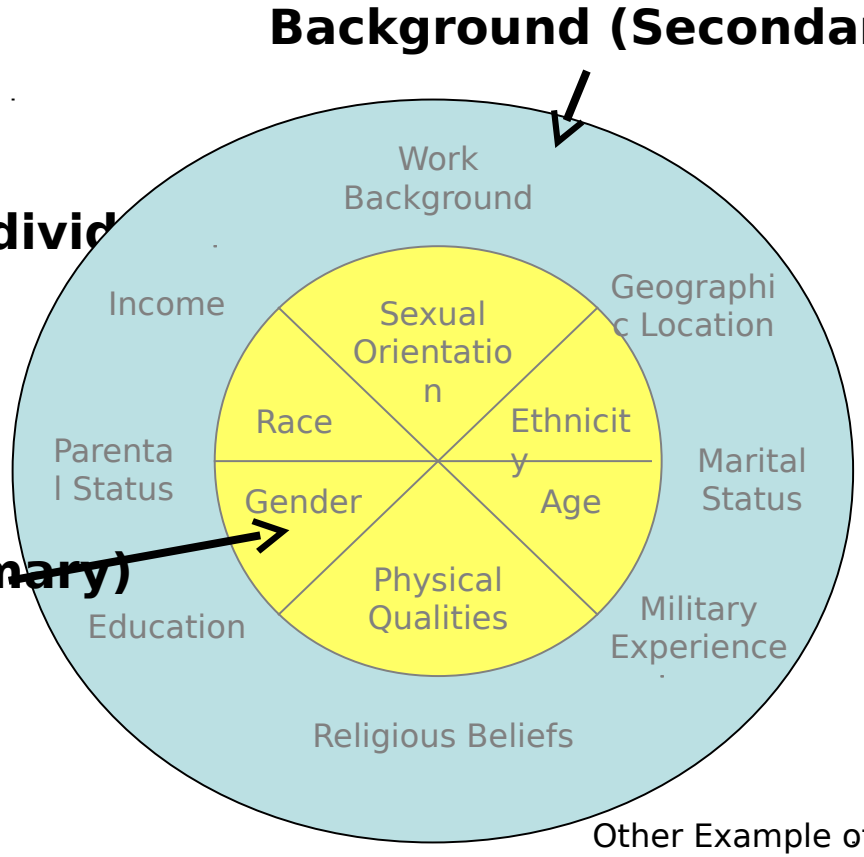
- **What can be identified as Cultural Differences**
  - **Age**
  - **Ethnic Background**
  - **Working as Group or Individ**
  - **Extrovert / Introvert**



Other Example of Diversity

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- **Understanding Cultural Differences**

- **Dealing with Cultural Differences**
- **Video**

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- **Managing Diversity**

Positive Actions – Listen, Observe, Understand, Respect Cultural Differences.

Leads to – Motivation, Productivity, Utilize Talent, Winning Situation for
Both parties

Negative – Judge, Assume, Exclusion, Possible Disciplinary Action.

Leads to – Anxiety, Intimidations, Complaints Filed, Separation of Quality employees.

"You don't get harmony when everybody sings the same note"

- Doug Floyd

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QUESTIONS?

EQUAL EMPLOYMENT OPPORTUNITY

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TOPICS OF DISCUSSION

- What is EEO?
- Responsibility
- Federal Laws Prohibiting Job Discrimination
- Prevention of Sexual Harassment
- Notification of Federal Employee Anti-Discrimination Retaliation (No FEAR) Act

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WHAT IS EEO?

Equal Employment Opportunity (EEO) is a federal policy to:

- Eliminate Unlawful discrimination under Title VII (race, color, religion, sex, national origin, age, disability, reprisal for having prior EEO activity, and genetic background information “as amended”).

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WHAT IS EEO?

Equal “Employment” Opportunity (EEO)
Different from Equal Opportunity (EO)

Affects Workplace
Tangible Employment Action
Severity, repeat (includes Sexual Harassment)

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WHAT IS EEO?

Eligible to file an EEO complaint:

1) All current employees, former employees, and applicants of MCIPAC Appropriated and Non-Appropriated fund.

2) Specifically allegations from any current employee, former employee, or applicant who believes they have been discriminated against based on race, color, religion, sex, national origin, age, disability, genetic background information, or in reprisal for prior involvement (includes a complaint, witness, RMO, EEO contact, or a specific

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WHAT IS EEO?

Not Eligible to file an EEO complaint:

1.With few exceptions, DON contractors, their employees, and applicants for employment with contractors (Reference DON Discrimination Manual CHRM 1614, Appendix D to determine coverage) * “Refer all cases involving contractors to the EEO office to determine eligibility”

2.Active duty military members.

3.Foreign nationals outside of the United States.

4.Complaints over matters not within the control of DON. The aggrieved employee, former employee, or applicant shall be advised of the appropriate agency from which to seek assistance. (outside the servicing population).

WHAT IS EEO?

EEO Filing

Two Stages in filing EEO

1.Pre-complaint state (Gather Factual information & Attempt Resolution)

2.Formal EEO Stage (IRD, EEOC AJ/Secretary of Navy)

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WHAT IS EEO?

Important Timelines

A claim must be brought to the attention of the EEO office, or the EEO counselor within 45 calendar days of the discriminatory event (this includes **45 days** from the effective date of the personnel action, or when the aggrieved first became aware of the discriminatory event). Typically time limit is not triggered until the complainant has reason to suspect discrimination.

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WHAT IS EEO?

Important Timelines

EEO Counseling Period Typically 30 calendar days

EEO Counselor are Neutral!! “Not” an advocate of either the aggrieved or management.

Formal EEO must be filed 15 Calendar days after the assigned EEO counselor provides the aggrieved a letter of right to file formal (known as a final interview).

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WHAT IS EEO?

Other Avenue of Redress

- Chain of Command
- HRO EMR Grievance
- Inspector General Office (FWA)
- Equal Employment Opportunity Office
  (Discrimination under Title VII)
- Union (Unfair Labor Practice or Administrative Grievance)
- Office of Special Counsel
  (Merit Principles & Prohibit Personnel Action)

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RESPONSIBILITY

Everyone's responsibility:

- Attempt resolution at every stage

- Everyone who is employed and paid by this Agency has a responsibility to follow this Agency's (EEO) policies, and conduct themselves in a professional manner.

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RESPONSIBILITY

Employees:

- Report any events of discrimination or sexual harassment that affect the workplace to the supervisor, and the EEO office.

- Maintaining a workplace that is free from discrimination and sexual harassment, and report incidents of sexual harassment & discrimination.

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RESPONSIBILITY

Supervisor:

- Take appropriate action (counseling and/or disciplinary shall be processed based on factual information)

- Ways to prevent / avoid allegations
  - Clear Communication
  - Clarify and confirm allegations

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RESPONSIBILITY

Management:

A major responsibility for managers is to support and enforce rules governing EEO throughout the workforce and that it shall be assessed annually with the cycle performance.

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RESPONSIBILITY

Check Yourself:

- Ensure actions are free from discriminatory motives (take self-analysis)
- Maintain a professional work environment
- Monitor conduct of peers (Others action can make you part of their problem).
- Respect others (as you, family members, or your loves should be respected) .
- Clear communication.
- Document, Document, Document!

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EEO LAWS & STATUES

FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

- Title VII of the Civil Rights Act of 1964 as Amended
- Equal Pay Act of 1963 (EPA)
- Age Discrimination in Employment Act of 1967 (ADEA)
- Title I and Title V of the Americans with Disabilities Act of 1990, as amended (ADA)
- Sections 501 and 505 of the Rehabilitation Act of 1973
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

- **Title VII of the Civil Rights Act (as amended)** prohibits employment discrimination on the basis of:
  - RACE
  - COLOR
  - RELIGION
  - SEX
  - NATIONAL ORIGIN
  - REPRISAL

The Act was passed in 1964, amended in 1972 to include federal employees in the executive branch.

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

- The Equal Pay Act of 1963 (EPA):

The Equal Pay Act of 1963 (EPA) protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.

- Age Discrimination in Employment Act of 1967 (ADEA):

The Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older.

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

- Title I and Title V of the Americans with Disabilities Act of 1990:

The Americans with Disabilities Act (ADA) of 1990, as amended prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.

- Rehabilitation Act of 1973, Sections 501 and 505:

The Rehabilitation Act of 1973 prohibit discrimination against qualified individuals with disabilities who work in the federal government.

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

- Genetic Information Nondiscrimination Act of 2008 (GINA):

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employment discrimination based on genetic information about an applicant, employee, or former employee.

- The Civil Rights Act of 1991:

The Civil Rights Act of 1991 provided for the right to trial by jury on discrimination claims and introduced the possibility of emotional distress damages, while limiting the amount that a jury could award.

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

The nine factors protected by EEO law on the basis of

Title VII (under the Civil Rights Act as amended):

- RACE
- COLOR
- RELIGION
- SEX
- NATIONAL ORIGIN
- AGE
- DISABILITY
- GENETICS
- REPRISAL

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

Define the nine protected EEO Classes covered under Title VII:

1. COLOR: Separate identifiable type of discrimination due to skin color

2. NATIONAL ORIGIN: An individual's or their ancestor's country of origin; Possessing the physical, cultural or linguistic characteristics of a particular national origin group

3. SEX: An individual's gender; Sexual harassment focuses on the sexuality of another person (Covers Pregnancy, not Sex Orientation)

4. AGE: Individual 40 years of age or older

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

Define the nine protected EEO Classes covered under Title VII (CONT):

5. RACE: Class or group with common characteristics, interests, appearance, or culture derived from a common ancestors.

Basic categories of race are:

- American Indian/Alaskan Natives
- Asian/Hawaiian/Pacific Islanders
- Hispanic
- Black
- White

(Note: A person can be more than one race).

6. RELIGION: Adverse treatment due to religious beliefs

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FEDERAL LAWS PROHIBITING JOB DESCRIMINATION

Definitions of Protected EEO Classes covered under Title VII (CONT):

7. DISABLED PERSON: An individual who has a physical or mental impairment that substantially limits one or more major life activities or is regarded as having such impairment.

8. GENETICS: An individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family medical history (Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future).

9. REPRISAL: Act(s) which penalizes a person in the work environment for engaging in protected civil rights activity or for opposing practices made unlawful by discrimination laws

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PREVENTION OF SEXUAL HARASSMENT

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PREVENTION OF SEXUAL HARASSMENT

Sexual Harassment is:

- A form of Sex Discrimination
- Violation of federal law

ZERO TOLERANCE POLICY

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PREVENTION OF SEXUAL HARASSMENT

Sexual Harassment is conduct that is:

- Unwelcome
- Sexual in Nature
- Occur/Impact the Work Environment

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PREVENTION OF SEXUAL HARASSMENT

Forms of Sexual Harassment

- Verbal
  Sexual comments, teasing, joking

- Non-Verbal
  Gestures, Photos, Gifts, Letters

- Physical
  Touching, Cornering, Brushing up

- Third Party Harassment
  Indirect conduct that is offensive

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PREVENTION OF SEXUAL HARASSMENT

What Should You Do?

If Discrimination or Sexual Harassment occurs:

- **Respond:** If you are offended, tell the person directly.
- **Record:** Keep records of dates, times, places, witnesses, what was said/done and how it made you feel.
- **Report** to your supervisor or EEO office.

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PREVENTION OF SEXUAL HARASSMENT

What Should You Do?

If Discrimination or Sexual Harassment occurs:

- Be sensitive and respectful to others.
- Act and dress professionally.
- Don’t discriminate.
- Refrain from conduct that is sexual in nature.

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- Sexual Orientation:
  - Sexual orientation claims are not yet officially allowed but if based on gender stereotyping theory they may be covered under Title VII. Complainants raising sexual orientation claims should be advised they may pursue their complaint under BOTH the Title VII process and the agency's process established specifically for these types of cases under Executive Order 11478, as amended by Executive Orders 12106 and 13087

- Employees may seek help under the following:
  - Merit Systems Protection Board
  - Office of Special Counsel
  - Negotiated Grievance Procedures
  - Agency Grievance Procedures

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No FEAR Act 2004

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No FEAR Act: Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002

The Act requires that “Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.”

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The Act also requires that the DON inform current employees, former employees, and applicants for employment of the rights and protections available under federal anti-discrimination, whistleblower protection, and retaliation laws.

Three Title under No Fear Act:

- Title I General Provisions: Allows agencies to take disciplinary action
- Title II Federal Employee Discrimination and Retaliation: Repayment and reimbursement from the Agency
- Title III EEO Complaint Data Disclosure Posting of the Agency EEO complaints data

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MOVIE TIME

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MCIPAC EEO Office Contact Information

EEO Office
Camp Foster, Bldg. 495,
2nd Floor
MCBBUTLEREEO@usmc.mil
645-5422

If you or someone you know has been a victim of discrimination or sexual harassment, you can receive help by contacting the

MCIPAC EEO office, Your HRO, or an EEO counsellor

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QUESTION?